

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Alexander Josef
Serial No. : 10/521,985
Filing Date : 07/19/2005
Group Art No. : 1616
Examiner : Brown, Courtney A
Title : AGROCHEMICAL COMPOSITION
CONTAINING PHOSPHITE AND
PROCESS FOR THE PREPARATION
THEREOF

SUBMISSION OF FEE DEFICIENCY

VIA ELECTRONIC FILING
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

This paper is submitted in order to deal with a deficiency in a fee that was remitted previously by applicant for the above-identified patent application.

On December 23, 2008, applicant submitted a Request for Continued Examination ("RCE"), a copy of which is attached; the RCE was submitted electronically, together with an electronic funds transfer in the amount of \$405.00. The RCE also included an authorization to charge any deficiency in the fee payment to the Deposit Account of applicant's undersigned counsel.

Applicant is not presently entitled to assert small entity status, nor has small entity status ever been established, in this application. Nevertheless, due to inadvertence, the RCE was accompanied by a filing fee in an amount corresponding to that set forth in 37 C.F.R. §1.17(e) in the case of a small entity. While the authorization in the RCE to charge any fee deficiency to the Deposit Account of undersigned counsel should have been triggered by this event, it has come to the attention of undersigned counsel that about five months have now elapsed since the RCE was submitted, and the Deposit Account has not yet been debited for this fee deficiency.

Accordingly, applicant now requests the Office to debit Deposit Account 07-1730 for the amount of that fee deficiency which, it is believed, should amount to an additional \$405.00. However, in the event that a debit in that amount is still pending and is yet to appear in said Deposit Account, then applicant respectfully requests appropriate action such that the charge for this fee deficiency is not duplicated.

The Office is invited to contact undersigned counsel by telephone for any clarification of this request that may be necessary.

Respectfully submitted,

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David S. Kashman
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Date: May 20, 2009
New York, NY

**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/521,985
Filing Date	July 19, 2005
First Named Inventor	JOSEF, Alexander
Art Unit	1616
Examiner Name	Courtney Brown
Attorney Docket Number	6553/008

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ii. Other _____
 - b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/ Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____
2. **Miscellaneous**

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a

 - a. period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
 - b. Other _____
3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge ~~the following fees~~ any underpayment of fees, or credit any overpayments, to Deposit Account No. 07-1730.

 - a. RCE fee required under 37 CFR 1.17(e)
 - ii. Extension of time fee (37 CFR 1.136 and 1.17)
 - iii. Other _____
 - b. Check in the amount of \$ _____ enclosed
 - c. Payment by credit card (Form PTO-2886 enclosed) EFT.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>David S. Kashman</i>	Date	December 23, 2008
Name (Print/Type)	David S. Kashman	Registration No.	28,725

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	
Name (Print/Type)		Registration No.	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.